

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

BRADLEY ESTEY,	)	
	)	
Plaintiff,	)	
	)	Civil Action File
v.	)	No. 1:16-CV-03141-CAP
	)	
ADT LLC,	)	
	)	
Defendant.	)	

**DECLARATION OF MARIA L. DiGIORGIO**

MARIA L DiGIORGIO hereby declares under penalty of perjury:

1. I have personal knowledge of the facts stated herein, and could competently testify to them if called as a witness.

2. I am the Senior Corporate Counsel for ADT LLC. Among my responsibilities at ADT, I am charged with overseeing ADT's compliance with the statutes and regulations that govern ADT's communications with its customers, including the Telephone Consumer Protection Act, 47 U.S.C. § 227, and the FCC regulations that implement and interpret the Act.

3. I understand that the plaintiff in the above-captioned civil action, Bradley Estey, has alleged that ADT violated the TCPA by calling him on his cell phone, absent emergency, without the express written consent of the recipient. Mr.

Estey bases this allegation on calls ADT placed to try to schedule an upgrade of Mr. Estey's wireless alarm system so that it would continue to work on "3G" wireless telephone networks after the current "2G" network is decommissioned in December 2016.

4. Nearly all of the material witnesses to the parties' claims and defenses will be current and former ADT employees located in South Florida. ADT is headquartered in Boca Raton, Florida.

5. A partial list of the ADT employees found in Florida with knowledge material to this action would include myself, as ADT's corporate counsel, and Christopher Frazier, Senior Manager – Contact Compliance, both with responsibility for ADT compliance with applicable laws and regulations; Greg Daly, Vice President in charge of the 3G conversion project until August/September 2015; Donika Kirk, Vice President (Operations), who assumed Mr. Daly's 3G project leadership duties in August/September 2015; the team of ADT managers responsible for all outbound communications with customers, including Senior Manager Fred Belga, Marketing Director Mayra Robinson, and Marketing Director Robin Stennet; and the team of information technology specialists who manage the flow of customer information required for such a project, including IT Project Manager Velma

Ferguson, Marketing Analytics Manager, Ray Tolleson, and IT Specialist Renata Bergman.

6. The only persons *not* located in Florida with knowledge of the facts material to plaintiff's claims in this case are employees of iPacesetters, a vendor that ADT engaged to place the 3G conversion project calls to customers, and ADT employees located in ADT's National Dispatch Center ("NDC") in Rochester, NY. iPacesetters is located in Montvale, New Jersey, and it placed the relevant calls from its center in Tulsa, Oklahoma. ADT's NDC employees placed calls to customers to set service appointments to replace radios. I am aware of no material witness, apart from the plaintiff, who is found in Georgia.

7. As with most companies, ADT's files are found largely in digital media. ADT's servers are in Boca Raton, and ADT's information technology specialists who retrieve materials from the servers reside in Boca Raton.

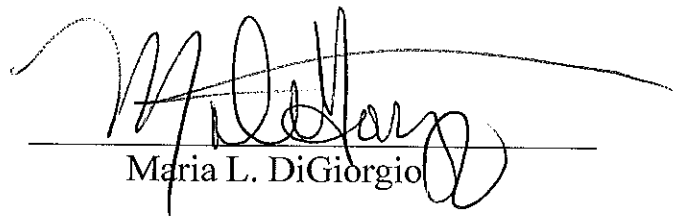
8. Finally, the Court should note that a private equity firm, Apollo Global Management, purchased ADT in May 2016. As with any such transaction, a number of ADT's employees have already left the company, and others may be expected to leave as the new owners reorganize the company.

9. Two of the likely witnesses mentioned above have left the company: Donika Kirk, who had overall responsibility for the 3G conversion project after

August/September 2015, and Velma Ferguson, the IT project manager responsible for managing the selection, preparation and transfer of customer information from ADT's servers to the persons placing the calls for the 3G conversion project. Both former employees, to ADT's knowledge, remain in South Florida, and both reside within the subpoena power of the United States District Court for the Southern District of Florida, Palm Beach Division.

10. No other ADT employee with knowledge of the facts surrounding plaintiff's claim has announced a departure. But given the nature of private equity acquisitions, it is likely that further departures will be announced as the company completes its reorganization.

*As provided by 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on October 11, 2016.*



Maria L. DiGiorgio